

REMARKS/ARGUMENTS

Claims 1-28 are pending in the present application. The Examiner has allowed claims 24-28. The Examiner has rejected claims 1, 4, 5, 11-15 and 17-19. The Examiner has objected to claims 2, 3, 6-10, 16, and 20-23. Applicant has canceled claim 16 and amended claim 15. Applicant respectfully requests reconsideration of pending claims 1-15 and 17-23.

The Examiner has rejected claim 18 under 35 U.S.C. § 102(e) as allegedly being unpatentable over Sakamoto et al., U.S. Patent No. 6,075,767. Applicant respectfully disagrees.

Regarding claim 18, in the Examiner's Response to Arguments, the Examiner states as follows:

"With regard to claim 18, Applicant's arguments filed 10/03/2006 have been fully considered but they are not persuasive.

"In the Pre-Appeal brief, pages 1-2, Applicant argued that Sakamoto fails to disclose the step of 'using routing information included in the egress data to determine to which among the following group the egress data is provided: the first line card, the second line card, and both the first and the second line cards.' Examiner respectfully disagrees. Based on both the specification and claim language, the system of the present patent application uses routing information included in the egress data to determine one of three situations:

- (i) the first line card, or
- (ii) the second line card, or
- (iii) both the first and the second line cards.

"At fig. 4 and col. 2, lines 19-22, S767 teaches, 'An input cell received from a line interface on the active system side is supplied via the selector card 3 to an input port of the ATM switch 2 to be then routed to either one of the output according to the contents of the cell header thereof.'

"Thus, rejection of claim 18 is proper and maintained."

Applicant respectfully disagrees. While the Examiner relies upon teaching as to "...routed to **either one of the output...**" [emphasis added], Applicant submits such teaching cannot be interpreted to disclose "...the first line card, the second line card, and **both the first and the second line cards**" [emphasis added]. Moreover, Applicant submits the Examiner apparently mischaracterizes the teachings of the cited portions of the cited reference, stating "Furthermore, S767 discloses each selector card 3 couples to a respective output port of the switch core 2, wherein the data received from the output port of the switch is forwarded to the first line card 1.1 and/or second line card 1.2 based on a routing information of the received data (figures 1, 4-5 and 17). S767 discloses that the first and second line cards (1-1 and 1-2) comprise a routing function (col. 2, lines 20-22 and col. 12, lines 50-

55), which provides egress data from the corresponding output to the first and second line cards (1.1 and 1.2) based on routing information included in the egress data (fig. 3, col. 2, lines 23-25)."

Applicant cannot find teaching of "...wherein the data received from the output port of the switch is forwarded to the first line card 1.1 and/or second line card 1.2..." or "...which provides egress data from the corresponding output to the first and second line cards (1.1 and 1.2)..." in the cited portions of the cited reference, but rather teaching of "...routed to **either one of the output...**" [emphasis added] as cited by the Examiner in the Examiner's Response to Arguments. Thus, Applicant submits claim 18 is in condition for allowance.

The Examiner has rejected claims 1, 4, 11-15 and 17 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Sakamoto et al., U.S. Patent No. 6,075,767 in view of Sakamoto et al., U.S. Patent No. 5,903,544. Applicant respectfully disagrees.

Regarding claim 1, Applicant submits the cited portions of the cited reference fail to render obvious the subject matter of claim 1. As one example, Applicant submits the cited portions of the cited reference fail to render obvious "a router operably coupled to a corresponding output of the plurality of outputs of the switch core, wherein the router couples to the first line card and the second line card, and wherein the router uses routing information included in the egress data from the corresponding output to determine to which among the following group the egress data is provided: the first line card, the second line card, and both the first and the second line cards." The Examiner acknowledges the Sakamoto '767 reference does not disclose a router as recited in claim 1. The Examiner states as follows:

However, S544 discloses a packet handler (see fig. 2), wherein the packet handler comprises a switch 5 (router) coupled to a plurality of paired interfaces 3-i and 3-i', one is used as an active interface, and the other as a standby interface, and a plurality of outputs of the switch core 2-i. The switch 5 distributes the input cells passed through each interface among the plurality of interfaces in accordance with the routing information contained in the cell header, see fig. 2, col. 1, lines 10-18, and 53-67. It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the switch in the system disclosed by S544 into S767's system in order to improve routing function in the system.

Applicant notes the Examiner's characterization of the supposed teachings of the Sakamoto '544 reference does not include any allegation of supposed teaching as to "to determine to which among the following group the egress data is provided: the first line card, the second line card, and

both the first and the second line cards." Thus, Applicant submits the Examiner has failed to make a *prima facie* showing of obviousness as to claim 1. As Applicant noted above with respect to claim 18, while the Examiner relied (with respect to claim 18) upon teaching as to "...routed to **either one of** the output..." [emphasis added], Applicant submits such teaching cannot be interpreted to disclose "...the first line card, the second line card, and **both the first and the second line cards**" [emphasis added]. Therefore, Applicant submits claim 1 is in condition for allowance.

Regarding claim 15, Applicant has amended claim 15 into a form Applicant submits the Examiner has indicated would be allowable. Applicant submits claim 15 is in condition for allowance.

Regarding claims 4 and 17, Applicant submits the cited portions of the cited reference fail to render obvious the subject matter of claims 4 and 17. Applicant submits claims 1 and 15, from which claims 4 and 17, respectively, depend, are in condition for allowance. Therefore, Applicant submits claims 4 and 17 are also in condition for allowance.

Regarding claim 11, Applicant submits the cited portions of the cited reference fail to render obvious the subject matter of claim 11. As one example, Applicant submits the cited portions of the cited reference fail to render obvious "wherein the switch core further comprises a NxN switch core and the plurality of line cards includes 2N line cards." While the Examiner cites "(figures 1-4 and 17.)," Applicant submits such figures do not appear to disclose or suggest the subject matter of claim 11. Therefore, Applicant submits claim 11 is in condition for allowance.

Regarding claims 12-14, Applicant submits the cited portions of the cited reference fail to render obvious the subject matter of claims 12-14. Applicant has presented arguments for the allowability of claim 1, from which claims 12-14, depend. Moreover, Applicant notes the Examiner states, "...S767 discloses that the system comprises an ATM switch; therefore, it is used in a cell based network." However, Applicant submits the Examiner does allege any portion of the cited references as disclosing or suggesting "a switch for use in a packet based network," as recited in claim 13. Thus, Applicant submits the Examiner has failed to make a *prima facie* showing of obviousness as to claim 13. Therefore, Applicant submits claims 12-14 are in condition for allowance.

The Examiner has rejected claim 5 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Sakamoto et al., U.S. Patent No. 6,075,767 in view of Sakamoto et al., U.S. Patent No. 5,903,544, and further in view of Klink, U.S. Patent No. 5,706,277. Applicant respectfully disagrees.

Regarding claim 5, Applicant submits the cited portions of the cited reference fail to render obvious the subject matter of claim 5. As one example, Applicant submits the cited portions of the cited reference fail to render obvious "wherein when idle states are present in the active line card data, the arbiter passes inactive line card data." The Examiner states, "...wherein the reference discloses the standby link 22 is activated based on an idle state in operating link 21 (col. 5, lines 7-18, and col. 6, lines 57-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt idle states disclosed in Klink into S767's system in order to quickly switch over to redundancy line card for maintaining transmission in the network." However, Applicant notes column 5, lines 7-18, of the Klink reference states as follows:

"In terminal 1, the switching device 13, which is a changeover switch and which can be controlled by the monitoring device 16, connects the further functional parts of the demultiplexer 12 to the operating link 21 in a first switching state, namely in the idle state, and to the standby link 22 in a second, activated switching state."

"In terminal 3, the switching device 33, which is a changeover switch and which can be controlled by the monitoring device 36, connects the further functional parts of the demultiplexer 32 to the operating link 21 in a first switching state or idle state, respectively, and to the standby link 22 in a second, activated switching state."

While the Examiner characterizes the cited portion of the cited reference as allegedly disclosing "...the standby link 22 is activated based on an idle state in operating link 21," Applicant submits the cited portion of the cited reference teaches away from such allegation, as it states, "...connects...to operating link 21 in a first switching state, namely in the idle state, and to the standby link 22 in a second, activated switching state" and "...connects...to the operating link 21 in a first switching state or idle state, respectively, and to the standby link 22 in a second, activated switching state." Moreover, Applicant notes claim 5 does not recite "...a system for changing over to a standby link for a transmission device for the bidirectional transmission of digital signals, wherein the reference discloses the standby link 22 is activated based on an idle state in operating link 21." Rather, Applicant notes claim 5 recites "...wherein when idle states are present in the active line card data, the arbiter passes inactive line card data." Applicant submits the Examiner has not alleged teaching or suggestion of such subject matter in the cited portions of the cited references. Thus, Applicant submits the Examiner has not made a *prima facie* showing of obviousness with respect to claim 5. Therefore, Applicant submits claim 5 is in condition for allowance.

The Examiner has rejected claim 19 under 35 U.S.C. § 102(e) as allegedly being unpatentable over Sakamoto et al., U.S. Patent No. 6,075,767, and further in view of Okabe et al., U.S. Patent No. 6,031,838. Applicant respectfully disagrees.

Regarding claim 19, Applicant submits the cited portions of the cited reference fail to render obvious the subject matter of claim 19. As one example, Applicant submits the cited portions of the cited reference fail to render obvious "buffering the data received from the first and second line cards prior to selecting the ingress data." While the Examiner cites "figure 11" of the Okabe reference, Applicant notes column 11, line 56, through column 12, line 7, of the Okabe reference describe figure 11 as relating to time-division multiplexing, not a system that includes redundant line cards. Thus, Applicant submits it would not have been obvious for one of ordinary skill in the art to modify teachings of Okabe and Sakamoto '767 to purportedly yield the subject matter of claim 19. Therefore, Applicant submits claim 19 is in condition for allowance.


The Examiner has objected to claims 2, 3, 6-10, 16, and 20-23, but states they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has canceled claim 16. The Examiner has allowed claims 24-28.

In conclusion, Applicant has overcome all of the Office's rejections, and early notice of allowance to this effect is earnestly solicited. If, for any reason, the Office is unable to allow the Application on the next Office Action, and believes a telephone interview would be helpful, the Examiner is respectfully requested to contact the undersigned attorney.

Respectfully submitted,

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Date



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